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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CARLOS CHICO,

Petitioner,

v.

ROSEANNE CAMPBELL, Warden,

Respondent.

C 05-01282 MJJ

**APPLICATION FOR
EXTENSION OF TIME TO
FILE RESPONSE**

Respondent hereby requests a 60-day extension of time until November 12, 2007, pursuant to Civil L.R. 7-8 and 7-11, within which to file a response to the petition for writ of habeas corpus and provide the relevant state record, as required by this Court's Order to Show Cause filed May 16, 2007. The application is based on the file in this case and the attached declaration of Nanette Winaker. Petitioner's counsel, Benjamin Ramos, has been contacted regarding respondent's request for an extension of time and has stipulated to the requested time change.

Wherefore, respondent respectfully requests that the time within which respondent must comply with this Court's Order to Show Cause be extended to and including November 12, 2007.

//

1 Dated: September 24, 2007

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
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5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
7 Supervising Deputy Attorney General

8
9 /s/ Nanette Winaker

10 NANETTE WINAKER
11 Deputy Attorney General
12 Attorneys for Respondent

13 NW:er

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Wherefore, respondent respectfully requests that the time within which respondent must comply with this Court's Order to Show Cause be extended to and including November 12, 2007.

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C 05-01282 MJJ

**DECLARATION OF
NANETTE WINAKER IN
SUPPORT OF APPLICATION
FOR EXTENSION OF TIME
TO FILE RESPONSE**

I, NANETTE WINAKER, declare under penalty of perjury:

I am a Deputy Attorney General for the State of California and am responsible for the preparation and filing of a response to this Court's Order to Show Cause in this habeas proceeding.

This Court's Order to Show Cause was filed May 16, 2007, and ordered respondent to file an answer within 60 days or by July 15, 2007. On July 23, 2007, this Court granted my application requesting an additional 60 days in which to file an answer; the current due date is September 13, 2007. I am unable to prepare and file a response by September 13, 2007, for the reasons set forth below.

In the past 60 days, I have filed respondent's briefs in the California Courts of Appeal in

1 *People v. Mazza* (A115237), *People v. Ray* (A111688), and *People v. Givens* (A115487). I have
2 also filed a supplemental brief in *People v. Tran* (H030306). In addition, I was out-of-state and out
3 of the office between July 18, 2007 – July 24, 2007, and August 20, 2007 – August 24, 2007.

4 I am currently preparing a respondent's brief in *People v. Bryant* (A114925), and will be
5 out of the office on a prepaid vacation between September 12, 2007, and September 21, 2007. I
6 must also prepare an answer in a previously assigned case. *See e.g., Saldana v. Scribner* (C 06-
7 02126 JW (PR)).

8 I have contacted petitioner's counsel, Benjamin Ramos, and he has stipulated to the
9 requested extension of time.

10 Accordingly, I request that the Court grant respondent an extension of sixty days, to and
11 including November 12, 2007, in which to file the response.

12 Dated: September 24, 2007

13 Respectfully submitted,

14 EDMUND G. BROWN JR.
Attorney General of the State of California

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Chief Assistant Attorney General

16 GERALD A. ENGLER
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18
19
20 /s/ Nanette Winaker

21 NANETTE WINAKER
22 Deputy Attorney General
23 Attorneys for Respondent

24 NW:er

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12 **CARLOS CHICO,**

13 Petitioner,

14 **v.**

15 **ROSEANNE CAMPBELL, Warden,**

16 Respondent.
17

C 05-01282 MJJ

[PROPOSED] ORDER

18 **IT IS HEREBY ORDERED** that the time within which respondent is to answer the Order
19 to Show Cause of May 16, 2007, and provide the relevant state court record, will be extended to
20 November 12, 2007. Petitioner's traverse, if any, shall be filed and served within 30 days of service
21 of an answer.
22

23 Dated: _____

24 The Honorable Martin J. Jenkins
25 United States District Judge
26
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